

Joseph R. Johnson, Esq.
Babbitt & Johnson, P.A.
Suite 100
1641 Worthington Road
West Palm Beach, FL 33409
Fla. Bar No: 372250
(561) 684-2500 (fax)
jjohnson@babbitt-johnson.com
(561) 684-2500

Attorney for Plaintiff, William S. Gonzalez, Sr.
and Jeanette Gonzalez

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS

PRODUCTS LIABILITY LITIGATION

Case No: 1:14-ml-2570-RLY-TAB

MDL No: 2570

This Document Relates to Plaintiffs:

Civil Case No: 2:16-cv-02254-DGC

WILLIAM S. GONZALEZ, SR.,
JEANETTE GONZALEZ

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named
below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.
364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

WILLIAM S. GONZALEZ, SR.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

JEANETTE GONZALEZ

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

NEW YORK

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

NEW YORK

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

NEW YORK

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of New York

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

~~**X** G2[®] Vena Cava Filter~~

☐ G2[®] Express Vena Cava Filter

X G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

10/26/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable New York Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

1 13. Jury Trial demanded for all issues so triable?

2 **X** Yes

3 ☐ No

4
5 RESPECTFULLY SUBMITTED this 11th day of October, 2017.

6 BABBITT & JOHNSON, P.A.

7
8 By: /s/ Joseph R. Johnson

9 Joseph R. Johnson

10 (Fla. Bar No. 372250)

11 Suite 100

12 1641 Worthington Road

13 West Palm Beach, FL 33409

14 (561) 684-2500

15 jjohnson@babbitt-johnson.com